

REMARKS

The Office Action dated September 21, 2005 has been carefully considered. Claims 1-24 are pending. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claim 23 and the Specification have been amended in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

The Specification has been amended such that the original title of the invention has been replaced by the title, "CACHE-ACCESSING SYSTEM HAVING A BINARY TREE." Applicants submit that this new title is indicative of the invention to which the claims are directed. In addition, the first paragraph of page 1 has been amended to recite the U.S. patent application numbers of the corresponding co-pending applications and a few typographical errors have been corrected.

Claim 23 stands rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Insofar as this rejection may be applied against the amended claim it is deemed overcome.

Claim 23 has been amended to describe, "a computer program product for employing a replacement management table to modify decision nodes of a pseudo least recently used binary tree implementation, the computer program product having a *computer-readable* medium with a computer program embodied thereon." Support for this amendment can be found, among other places, page 4, lines 17-24 of the original Application. Applicants respectfully submit that amended Claim 23 is directed to statutory subject matter under 35 U.S.C. § 101. Accordingly, "when functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." MPEP 2106

(IV)(B)(1). Applicants respectfully request that the rejection of Claim 23 under 35 U.S.C. § 101 be withdrawn and that amended Claim 23 be allowed.

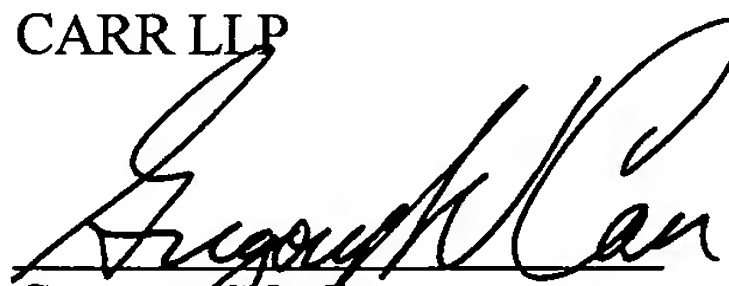
Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-24.

Applicants do not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner deem that any further amendment is desirable to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

CARR LLP


Gregory W. Carr
Reg. No. 31,093

Dated: 11/9/05
CARR LLP
670 Founders Square
900 Jackson Street
Dallas, Texas 75202
Telephone: (214) 760-3030
Fax: (214) 760-3003